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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISIONCLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY MA DEPUTY CLERKUSA § ORDER SETTING CONDITIONS OF RELEASE  
§ OF DEFENDANT OR MATERIAL WITNESS  
vs. §(1) Benjamin Bogard  
Defendant§ Case Number: SA:19-M-00131(1)  
§ SA:19-CR-106

IT IS ORDERED that the release of the defendant/material witness is subject to the following conditions:

- (1) The defendant/material witness shall not commit any offense in violation of federal, state or local law while on release in this case. The defendant/material witness shall report as soon as possible, to Pretrial Services or supervising officer, any contact with any law enforcement personnel including, but not limited to, any arrest, questioning, or traffic stop.
- (2) The defendant/material witness shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.
- (3) The defendant/material witness shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant/material witness shall appear at (if blank, to be notified)

U.S. Courthouse, Courtroom C, 655 East Cesar E. Chavez Boulevard, SAN ANTONIO, Texas

on

Date and Time

**Release on Personal Recognizance or Unsecured Bond**

IT IS FURTHER ORDERED that the defendant/material witness be released provided that:

- ( ) (4) The defendant/material witness promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ( X ) (5) The defendant/material witness executes an unsecured bond binding the defendant/material witness to pay the United States the sum of Seventy-five Thousand dollars (\$ 75,000.00) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

**Additional Conditions of Release**

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant/material witness and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant/material witness is subject to the conditions marked below:

- ( X ) (6) The defendant/material witness is placed in the custody of:

(Name of person or organization) Robbie & Caroline Bogard

(Address) \_\_\_\_\_

(City and state) \_\_\_\_\_

(Phone) \_\_\_\_\_

who agree (a) to supervise the defendant/material witness in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant/material witness at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant/material witness violates any conditions of release or disappears.

Signed: \_\_\_\_\_

Custodian or Proxy

Date

Signed: \_\_\_\_\_

Custodian or Proxy

Date

DISTRIBUTION: COURT DEFENDANT/MATERIAL WITNESS U.S. MARSHAL

**Additional Conditions of Release (cont.)**

( X ) (7) The defendant/material witness must:

( X ) (a) report to Pretrial Services as directed.

( ) (b) report to the \_\_\_\_\_

telephone number \_\_\_\_\_, no later than \_\_\_\_\_

( X ) (c) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \$75,000.00 UNSECURED

( ) (d) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described: \_\_\_\_\_

( ) (e) execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_

( ) (f) maintain or actively seek verifiable employment.

( ) (g) maintain or commence an education program.

( X ) (h) surrender any passport to Pretrial Services as directed, or: \_\_\_\_\_

( X ) (i) not obtain a passport or other international travel document.

( X ) (j) abide by the following restrictions on personal association, residence, or travel: Reside at an address pre-approved by Pre-Trial Services; Travel restricted to Bexar and the 7 surrounding counties.( X ) (k) avoid all contact, directly or indirectly, with any person who is or who may be a victim or witness in the investigation or prosecution, including: any victims or witnesses in the case.( X ) (l) obtain medical or psychiatric treatment and/or remain As directed by Pretrial Services.  
in an institution as follows: \_\_\_\_\_( ) (m) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at o'clock for employment, \_\_\_\_\_  
schooling, or the following purposes: \_\_\_\_\_

( ) (n) reside at a halfway house or community corrections center as designated by Pretrial Services; abide by all conditions and requirements of the facility until terminated by the facility director or Pretrial Services; and remain in custody until space becomes available, and the Appearance Bond is signed; or, if a material witness, reside with a third party custodian as approved by Pretrial Services, in lieu of residing at a community corrections facility or halfway house.

( X ) (o) refrain from possessing a firearm, destructive device, or other dangerous weapon.

( X ) (p) refrain from ( X ) any ( ) excessive use of alcohol.

( X ) (q) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. §802, unless prescribed by a licensed medical practitioner.

( ) (r) submit to substance abuse treatment which will include evaluation and testing, education, in-patient or out-patient treatment, and/or participation in support groups such as Alcoholics or Narcotics Anonymous (AA/NA).

( X ) (s) at the discretion of the Pretrial Services, submit to substance abuse treatment which may include evaluation, testing, education, in-patient or out-patient treatment, and/or participation in support groups (such as AA/NA).

( X ) (t) submit to testing for a prohibitive substance as required by the Pretrial Services Office or supervising officer. Testing may be random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

( ) (u) have installed on your vehicle an ignition interlock system as directed by Pretrial Services; drive no other vehicle while on pretrial release; abide by all conditions and requirements of the ignition interlock system program; and not disconnect the ignition interlock system without prior permission from Pretrial Services.

( X ) (v) participate in one of the following **Location Monitoring Programs** and comply with the requirements of the program which ( X ) will or ( ) will not include wearing a tracking device or other form of location verification system:( X ) **At the discretion of Pretrial Services (PTS); ( X ) Global Position System (GPS); ( ) Radio Frequency Monitoring (RF); ( ) Voice Recognition (VR);**

Location verification systems require that you maintain a telephone (land line) at your residence without any special features such as "call waiting, call forwarding or caller ID". Cordless telephones are not permitted, unless approved by the Pretrial Services Officer.

( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the Pretrial Services Office or supervising officer; or( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligation; or other activities approved in advance by the Pretrial Services office or supervising officer; or( X ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.( ) (w) **Stand Alone Monitoring (SAM):** Requires the use of Global Positioning System (GPS) tracking to monitor and enforce any other condition(s) of release (e.g., travel restrictions) **Note: Not recommended for high risk defendants.**( X ) (x) the following person(s) sign as surety on the Appearance Bond: Robbie and Caroline Bogard

( ) (y) \_\_\_\_\_

( ) (z) \_\_\_\_\_



☒ 7 (z)

Participate in the Computer Restriction and Monitoring Program and abide by all the rules and requirements of the program which will include manual inspection and/or the installation of computer monitoring software as deemed appropriate by Pretrial Services. The program will require the inspection of any computer; internet connected devices, wireless devices, modems, routers, or streaming media sticks, etc., located at your residence or place of employment. The program requires disclosure of the Internet Service Provider (ISP) information and username and passwords for computers, email accounts, and social network accounts. Pretrial Services will employ the use of electronic detection devices to evaluate access to Wi-Fi connections and assess compliance with conditions of release. Any attached or unattached buildings or structures or vehicles located at the residence are subject to inspection to assess compliance with this condition of release.

☒ (i). **No Computers:** The defendant is prohibited from possession and/or use of computers or connected devices.

☐ (ii). **Computer-No Internet Access:** The defendant is permitted use of one (1) computer or connected device or as ordered by the Court but **IS NOT** permitted access to the Internet. (World Wide Web, FTP Sites, IRC Servers, Instant Messaging, etc). Installation of Computer Monitoring Software is required.

☐ (iii). **Computer with Internet Access:** The defendant is permitted use of one (1) computer or connected device or as ordered by the Court and **IS** permitted access to the Internet for LEGITIMATE AND NECESSARY purposes as pre-approved by Pretrial Services at ☐ Home ☐ Employment ☐ School/Education. Installation of Computer Monitoring Software is required.

☒ (iv). **Consent of Other Residents:** By consent of other residents in the home, any computers, and internet connected devices in the home utilized by other residents shall be approved by Pretrial Services and subject to inspection for compliance with conditions of release and verification that these devices are password and/or biometrically protected.

☒ (aa) Participate in Specialized Treatment Services designed for pretrial defendants charged with or convicted of a sexual offense as directed by the Pretrial Services Officer. ~~\_\_\_\_\_~~

☒ (bb) Must not obtain, view, or possess any sexually explicit, sexually graphic, or erotic materials including images, movies, and printed material, in any form. ~~\_\_\_\_\_~~

☒ (cc) Must have no contact with minor children under the age of eighteen and will not reside in a household where the victim(s) or minor children live unless approved by the Court.

☐ (dd) Unless prohibited by another Judicial Officer, the defendant may have supervised contact with his/her minor children under the presence of a parent, guardian, or third party custodian who is aware of and understands the nature of the offense(s) charged.

☒ (ee) Must not visit any areas within 100 yards of any school, day care center, park, or other place where children congregate.

☒ (ff) Must not obtain employment or participate in any volunteer activity during which there is unsupervised contact with minors under the age of eighteen.

☒ (gg) Must comply with the Sex Offender Registration and Notification Act (SORNA), state and local sex offender registration requirements.

☒ (hh) Must not open any new lines of credit or bank accounts without prior approval of Pretrial Services. The defendant must provide financial statements as requested by Pretrial Services.

☐ (ii)

☐ (jj)

[REDACTED]

- (8) IT IS FURTHER ORDERED that the defendant/material witness shall be responsible for any costs of participation in court-ordered programs based on his/her ability to pay as determined by Pretrial Services, and make timely payment if required by any "Order Directing Payment of Attorney's Fees."
- (9) IT IS FURTHER ORDERED that if the Court has ordered herein any testing, such as substance testing, or monitoring, such as electronic monitoring, the defendant/material witness shall refrain from obstructing or attempting to obstruct or tamper in any fashion with the efficiency and accuracy of such testing and devices.

#### Advice of Penalties and Sanctions

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

#### DEFENDANTS:

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

#### MATERIAL WITNESSES:

If after release, you knowingly fail to appear as required by the conditions of release, you may be prosecuted for failing to appear and may be fined not more than \$100,000 and imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

#### Acknowledgement of Defendant/Material Witness

I acknowledge that I am the defendant/material witness in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

#### AGREED, IF APPLICABLE

\_\_\_\_\_  
Assistant U.S. Attorney

\_\_\_\_\_  
Attorney for Defendant/Material Witness

\_\_\_\_\_  
Signature of Defendant/Material Witness

\_\_\_\_\_  
AS APPROVED BY THE COURT

\_\_\_\_\_  
Address

\_\_\_\_\_  
City and State

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Date of Birth

#### Directions to United States Marshal

- ( ) The defendant/material witness is ORDERED released after processing.
- ( X ) The United States Marshal is ORDERED to keep the defendant/material witness in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant/material witness shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date 3/1/2019

HENRY J. BEMPORAD  
UNITED STATES MAGISTRATE JUDGE